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2002HANOI02600 - UNCLASSIFIED

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ACTION EAP-00

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|------|---------|---------|---------|---------|---------|---------|---------|
| INFO | LOG-00 | NP-00 | AID-00 | AMAD-00 | CIAE-00 | DODE-00 | DOEE-00 |
| | SRPP-00 | DS-00 | EB-00 | ED-01 | FBIE-00 | UTED-00 | VC-00 |
| | HHS-01 | H-01 | TEDE-00 | INR-00 | IO-00 | L-00 | VCE-00 |
| | AC-01 | NSAE-00 | NSCE-00 | OIC-02 | OMB-01 | OPIC-01 | PA-00 |
| | PM-00 | PRS-00 | ACE-00 | P-00 | SP-00 | STR-00 | TEST-00 |
| | TRSE-00 | USIE-00 | PMB-00 | DSCC-00 | PRM-00 | DRL-02 | G-00 |
| | NFAT-00 | SAS-00 | /010W | | | | |

-----FFB038 290340Z /38

FM AMEMBASSY HANOI
TO SECSTATE WASHDC 7941
INFO AMCONSUL HO CHI MINH CITY
AMEMBASSY PHNOM PENH
AMEMBASSY VIENTIANE

UNCLAS HANOI 002600

SIPDIS

STATE FOR EAP/BCLTV AND DRL

E.O. 12958: N/A
TAGS: PHUM PGOV SOCI VM
SUBJECT: ADDITIONAL 2002 AMNESTIES

REF: HANOI 2596

1. (U) ON OCTOBER 18, VIETNAMESE STATE PRESIDENT TRAN DUC
LUONG OFFICIALLY GRANTED AMNESTY TO 3,069 INMATES FROM
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PRISONS UNDER THE MANAGEMENT OF EITHER THE MINISTRY OF
PUBLIC SECURITY OR THE MINISTRY OF NATIONAL DEFENSE. THIS
IS IN ADDITION TO THE AMNESTIES FOR 6,223 OTHER PRISONERS
(INCLUDING FOURTEEN FOREIGNERS, ONE OF WHOM WAS AN AMERICAN
CITIZEN) ON THE OCCASION OF VIETNAM'S NATIONAL DAY ON
SEPTEMBER 2 OF THIS YEAR. WHEN ASKED AT A PRESS CONFERENCE
WHETHER ANY OF THE AMNESTIES RELATED TO POLITICAL CRIMES,
VICE FOREIGN MINISTER NGUYEN PHU BINH PREDICTABLY ASSERTED
THAT "THERE ARE NO POLITICAL PRISONERS IN VIETNAM. THOSE WHO
ARE REHABILITATED AT CAMPS HAD BROKEN THE LAW AND BEEN TRIED
AT COURT." BETWEEN 1990 AND 2001, THE GVN GRANTED AMNESTY
TO A REPORTED TOTAL OF 35,259 INMATES, OF WHOM MORE THAN
23,000 WERE RELEASED IN 2000 ON THE OCCASION OF THE 55TH
ANNIVERSARY OF THE FOUNDING OF THE SRV.

2. (U) ACCORDING TO LOCAL MEDIA, TO QUALIFY FOR AMNESTIES,
INMATES MUST HAVE MANAGED TO PAY ALL OF THEIR "BRACKET
PENALTIES," WHICH INCLUDE FINES AS WELL AS ANY COMPENSATION
FOR THE DAMAGE CAUSED BY THEIR CRIMES. THEY MUST ALSO MEET
OTHER CRITERIA OF ELIGIBILITY, SUCH AS GOOD BEHAVIOR AND
POLITICAL EDUCATION. A SPECIAL "CENTRAL COMMISSION,"
CONSISTING OF REPRESENTATIVES FROM THE MINISTRIES OF PUBLIC
SECURITY, JUSTICE, AND FOREIGN AFFAIRS AS WELL AS FROM THE
OFFICE OF THE PRESIDENT, THE OFFICE OF THE GOVERNMENT, THE
SUPREME PEOPLE'S PROCURACY, AND THE SUPREME PEOPLE'S COURT,
IS RESPONSIBLE FOR REVIEWING THE PROPOSED LIST OF INMATES
CONSIDERED ELIGIBLE FOR AMNESTY AND SUBMITTING ITS
RECOMMENDATIONS TO THE STATE PRESIDENT FOR APPROVAL.

3. (U) THERE HAVE BEEN UNCONFIRMED REPORTS OF CORRUPTION
IN THIS YEAR'S PROCESS. WHILE IN THEORY ALL INFORMATION
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ABOUT POSSIBLE ELIGIBILITY FOR AMNESTY SHOULD BE TREATED AS
CLASSIFIED, ALLEGATIONS HAVE SUGGESTED THAT PRISON OFFICIALS
SOMETIMES DISCLOSE THE INFORMATION ABOUT "POSSIBLE"
ELIGIBILITY TO SPECIFIC INMATES, ESPECIALLY THOSE CHARGED OF
DRUG-RELATED OR ECONOMIC CRIMES (WHO ARE DEEMED MORE
"FINANCIALLY CAPABLE"), AND SOLICIT BRIBES TO ENSURE THAT
THESE APPLICATIONS WILL BE TREATED IN A MORE FAVORABLE
MANNER. ACCORDING TO A REPORT FROM INVESTIGATORS AT THE
SUPREME PEOPLE'S PROCURACY, ONE INMATE CONVICTED OF A DRUG-
RELATED CRIME RECENTLY COMMITTED SUICIDE IN A PRISON IN
NORTHERN VIETNAM DUE TO HIS APPARENT DISAPPOINTMENT THAT HIS
FAMILY HAD NOT MANAGED TO PAY TO SETTLE HIS "BRACKET
PENALTIES," AND HENCE HE WAS STILL NOT ELIGIBLE FOR AMNESTY.
INTERESTINGLY, THE NOT USUALLY VERY INVESTIGATIVE LOCAL
MEDIA HAS ITSELF RAISED THE QUESTION ABOUT HOW THAT INMATE
LEARNED ABOUT HIS POSSIBLE "ELIGIBILITY" IN THE FIRST PLACE.
BURGHARDT

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